

Exhibit A to Horst Declaration

Sent/Received

JUL 23 2013

RESCAP

To _____
By KT

MORRISON | FOERSTER

Claim Information

Claim Number	960
Basis of Claim Explanation that states the legal and factual reasons why you believe you are owed money or are entitled to other relief from one of the Debtors as of May 14, 2012 (the date the Debtors filed their bankruptcy cases) and, you must provide copies of any and all documentation that you believe supports the basis for your claim.	In January 2001 Plaintiff and his spouse formed a "Joint Living Trust" which states, [Exhibit A page 1] "The purpose of this Agreement is to establish a Trust to receive and manage assets for the benefit of the Grantors during the Grantors' lifetimes, and to further manage and distribute the assets of the Trust upon the death of the surviving Grantor." Plaintiff Michael E. Boyd ("Plaintiff") hereby complains of unconscionability contract adhesion by Defendants' GMAC Mortgage LLC ("GMAC LLC" or "GMACM") and Mortgage Electronic Registration Systems ("MERS") to breach said "Joint Living Trust" through the use of standard form loans and promissory notes [referred herein as "Deeds of Trust" or "DOTs"] signed by Plaintiff in and about January 2007. Even if a DOT signed are found to be valid irrespective of the fact that Plaintiff lacked authority to enter in to the DOT outside of his powers as a trustee to his "Joint Living Trust", Plaintiff never signed any loan documents or DOTs with GMAC LLC. Plaintiff alleges that because MERS failed to make a substitution of trustee to GMAC LLC in 2007 with consent under Plaintiff's powers as a living trustee therefore and when such substitutions occurred in 2011, in addition to GMAC LLC defrauding Plaintiff of approximately \$186,000 in fraudulent payments extracted by Defendants. The Defendants continue to defraud Plaintiff under this contract of adhesion under his Chapter 13 Bankruptcy Plan. This also violated Plaintiff's right to due process, forcing the bankruptcy of Plaintiff and his spouse in December 2011.

If your claim relates to a mortgage loan that you believe was originated or serviced by one of the Debtors, please be sure to include the following loan information, so that we can effectively search our records for information on your property and loan, and evaluate your claim.

Loan Number: Account# [REDACTED] 5915; and Account# [REDACTED] 1412		
Address of property related to the above loan number: 1090-1092 Lakebird Drive, Sunnyvale, CA 94089; and 5439 Soquel Drive, Soquel, CA 95073		
City:	State:	ZIP Code:

See attached Notice[s] 2 each from Ocwen Loan Servicing, LLC

Additional resources may be found at - <http://www.kccllc.net/rescap>

Residential Capital, LLC P.O. Box 385220 Bloomington, MN 55438

Claim Number: 960
MICHAEL E BOYD v GMAC MORTGAGE LLC MERS INC
Type: POC



Ocwen Loan Servicing, LLC

PO Box 780

Waterloo LA 50704-0780

HELPING HOMEOWNERS IS WHAT WE DO!™

OCWEN.MORTGAGESERVICE.COM

June 13, 2013

**MICHAEL E BOYD
PATRICIA L PARAMOURE
5439 SOQUEL DRIVE
SOQUEL CA 95073**

**RE: Account Number [REDACTED] 5915
Property Address 1090-1092 LAKEBIRD DRIVE
SUNNYVALE CA 94089-0000**

****IMPORTANT NOTICE REGARDING INTEREST RATE AND/OR INTEREST
ONLY PAYMENT CHANGES****

The interest rate on your loan is scheduled to adjust on 7/1/2013. Your new interest-only payment will begin effective with the 8/1/2013 payment.

Projected principal balance after 7/1/2013 payment \$ 566,244.98

Current Interest Rate	2.7500%	New Index Value	.4140%
Current Pmt	\$1297.64	New Interest Rate	2.6250%
Margin	2.25%	New Int-only pmt	\$1,238.66

Rate Next Change Date	1/1/2014
Principal and Interest Next Change	2/1/2014

Your new interest rate is calculated by adding the margin to the new index value, as defined in your mortgage documents. The result of this addition is subject to rounding and rate cap limitations according to the terms of your mortgage documents.

PLEASE NOTE: If you make additional principal payments, your monthly payment may be adjusted depending on the terms of your mortgage documents.

A Mortgage Account Statement will be sent under separate cover. If your payments are made through our automatic payment program, your new payment amount will be deducted on your scheduled draft date.

IF YOU ARE IN DEFAULT AT THE TIME THIS NOTICE IS DELIVERED TO YOU, OCWEN LOAN SERVICING, LLC WILL CONTINUE WITH THE DEFAULT PROCESS EVEN THOUGH THE INTEREST RATE AND PAYMENT AMOUNT ARE BEING ADJUSTED.



Ocwen Loan Servicing, LLC

PO Box 780

Waterloo IA 50704-0780

HELPING HOMEOWNERS IS WHAT WE DO!™

OCWEN.MORTGAGESERVICE.COM

July 12, 2013

**MICHAEL BOYD
PATRICIA L PARAMOURE
5439 SOQUEL DRIVE
SOQUEL CA 95073**

RE: Account Number [REDACTED] 412
Property Address **5439 SOQUEL DRIVE
SOQUEL CA 95073-0000**

****IMPORTANT NOTICE REGARDING INTEREST RATE AND/OR INTEREST
ONLY PAYMENT CHANGES****

The interest rate on your loan is scheduled to adjust on 8/1/2013. Your new interest-only payment will begin effective with the 9/1/2013 payment.

Projected principal balance after 8/1/2013 payment \$ 711,216.07

Current Interest Rate	2.7500%	New Index Value	.4130%
Current Pmt	\$1629.87	New Interest Rate	2.6250%
Margin	2.25%	New Int-only pmt	\$1,555.79

Rate Next Change Date	2/1/2014
Principal and Interest Next Change	3/1/2014

Your new interest rate is calculated by adding the margin to the new index value, as defined in your mortgage documents. The result of this addition is subject to rounding and rate cap limitations according to the terms of your mortgage documents.

PLEASE NOTE: If you make additional principal payments, your monthly payment may be adjusted depending on the terms of your mortgage documents.

A Mortgage Account Statement will be sent under separate cover. If your payments are made through our automatic payment program, your new payment amount will be deducted on your scheduled draft date.

IF YOU ARE IN DEFAULT AT THE TIME THIS NOTICE IS DELIVERED TO YOU, OCWEN LOAN SERVICING, LLC WILL CONTINUE WITH THE DEFAULT PROCESS EVEN THOUGH THE INTEREST RATE AND PAYMENT AMOUNT ARE BEING ADJUSTED.

The Debtor has listed your claim as Contingent, Unliquidated, and Unsettled. You must file a Proof of Claim in your case to receive payment from the Debtor's estate. Claim #960 Date Filed: 10/4/2012

U.S. Bankruptcy Court Form 101 (12/11)

UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK		PROOF OF CLAIM
Name of Debtor: GMAC Mortgage, LLC		Case Number: 12-12032
<p>NOTE: This form should not be used to make a claim for an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(7)) arising after the commencement of the case. A "request" for payment of an administrative expense (other than a claim asserted under 11 U.S.C. § 503(b)(7)) may be filed pursuant to 11 U.S.C. § 503.</p>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): MICHAEL E BOYD v GMAC MORTGAGE LLC MERS INC Name and address where notices should be sent: Michael E Boyd MICHAEL E BOYD v GMAC MORTGAGE LLC MERS INC 5439 SOQUEL DR SOQUEL, CA 95073		<input checked="" type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Telephone number: _____ email: _____ Name and address where payment should be sent (if different from above): Telephone number: _____ email: _____		<input checked="" type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. 5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.
1. Amount of Claim as of Date Case Filed: \$ <u>186,000</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. §507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507(a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507(a) _____.
2. Basis for Claim: <u>Mortgage notes (2 each) US District Court Northern District CA Case # 11-cv-5018</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <u>8141</u>	3a. Debtor may have scheduled account as: (See instruction #3a)	3b. Uniform Claim Identifier (optional): (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required reduced documents, and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Description: <u>1010-1012 L. Keeling Dr., Sunnyvale CA 94089 Soquel CA</u> Value of Property: \$ <u>975,000</u> Annual Interest Rate: _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable (when case was filed) Amount of arrearage and other charges, as of the time case was filed, included in secured claim. If any: \$ <u>84,000</u> Basis for perfection: _____ Amount of Secured Claim: \$ <u>186,000</u> Amount Unsecured: \$ <u>Unknown</u>		
6. Claim Pursuant to 11 U.S.C. § 503(b)(9): Indicate the amount of your claim arising from the value of any goods received by the Debtor within 20 days before May 14, 2012, the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim. \$ _____ (See instruction #6)		
7. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #7)		
8. Documents: Attached are reduced copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and reduced copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "reduced".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: <u>GMAC Mortgage, LLC has all docs in their possession</u>		
9. Signature (See instruction #9) Check the appropriate box. <input checked="" type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (Attach copy of power of attorney, if any.) (See Bankruptcy Rule 3004.) (See Bankruptcy Rule 3005.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: <u>Michael E. Boyd</u> <u>Michael E. Boyd</u> 10/2/12 Title: <u>Trustee</u> Company: <u>Michael E. Boyd & Associates, LLC</u> (Signature) Address and telephone number (if different from notice address above): Telephone number: _____ Email: _____		

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 1343 and 1347.

RECEIVED
OCT 04 2012
MURPHY CARSON CONSULTANTS
COURT USE ONLY

Residential Capital, LLC
c/o KCC
2335 Alaska Ave
El Segundo, CA 90245

000227

PRF # 59050***
Case No.: 12-12020
Svc: 3

PackID: 227
NameID: 10993624

MICHAEL E. BOYD v GMAC MORTGAGE LLC MERS INC
5439 SOQUEL DR
SOQUEL, CA 95073

Dr. Richard E. Long
5439 Soquel Dr.
Soquel, CA 95073



SAN JOSE CA 950
19 JUL 2013 PM 2 L

Residential Capital, LLC

P.O. Box 385220

Bloomington, Minnesota

55438

SE438522020

